REMARKS

Claims 9, 10, 20, and 24 are cancelled without prejudice or disclaimer. Claims 1-5, 8, 11-15, 18, 21, and 23 have been amended. Claims 28-32 have been added. No new matter has been added.

Claim 11 is Allowable

The Office has rejected claim 11 under 35 U.S.C. §101, alleging the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse the rejection.

Amended claim 11 includes a computer including an SMS simulator that executes a replay utility. Thus, the SMS simulator is not software *per se*. Amended claim 11 is supported in at least paragraph 14 of the specification. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claims 1, 3, 4, 7-8, 11, 13-14, 17-18, and 21-23 are Allowable

The Office has rejected claims 1, 3, 4, 7-8, 11, 13-14, 17-18, and 21-23 under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,938,039 ("Bober-1) in view of U.S. Patent Application Publication No. 2004/0088417 ("Bober-2"). Applicants respectfully traverse the rejections.

The cited portions of Bober-1 and Bober-2, individually or in combination, do not disclose or suggest the specific combination of claim 1. For example, the cited portions of Bober-1 and Bober-2 fail to disclose or suggest directing each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 1. In contrast to claim 1, Bober-1 describes directing subsequent client requests to the target file server instead of the source file server during migration of a file system from a source file server to a target file server. *Bober-1,* col. 2, lines 44-51. The target file server responds to client read/write requests for access to the file system. The target file server is the entity in Bober-1 to which data is migrated. The target file server responds by accessing objects in the target file server when the target file server has online nodes for the objects, and by fetching objects from the source file server when the target file server has offline nodes for the objects. *Id.,* col. 3, lines 1-6. A target file server is not an SMS simulator. The Office has equated the target file server using offline nodes with an SMS simulator. *Final Office Action,* page 4 ("directing … to an SMS simulator (col. 2 lines 49-52 and lines 56-58, target server using offline nodes)"). Offline nodes represent file system objects which are either in the process of being migrated, or have not started migration. *Bober-1,* col. 7, lines 33-35. Thus, offline nodes represent data that has not yet been migrated. Offline nodes are not part of an SMS simulator. Thus, Bober-1 describes directing read/write requests to the target file server and not to an SMS simulator. In this manner, Bober-1 teaches away from claim 1. The cited portions of Bober-1 fail to disclose or suggest directing provisioning requests to an SMS simulator instead of to a target SMS. Therefore, the cited portions of Bober-1 fail to disclose or suggest directing each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 1.

In further contrast to claim 1, Bober-2 describes a method and apparatus for provisioning at least a portion of a computer system to meet a specification provided in a provisioning request. Bober-2 further describes data migration from one storage system to another as a particular reason that it may be desirable to replicate an existing computer system configuration. However, the cited portions of Bober-2 fail to describe specific techniques or methods for migrating data from a source SMS to a target SMS. Specifically, the cited portions of Bober-2 fail to disclose or suggest using an SMS simulator to migrate data from a source SMS to a target SMS. Therefore, the cited portions of Bober-2 fail to disclose or suggest directing each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 1.

Applicants have shown that the cited portions of Bober-1 and Bober-2, individually or in combination, fail to disclose or suggest at least one element of claim 1. Accordingly, claim 1 is allowable.

Claims 3, 4, 7-8, and 21-22 depend from claim 1, which Applicants have shown to be allowable. Accordingly, claims 3, 4, 7-8, and 21-22 are also allowable at least by virtue of their dependency from claim 1.

Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited references. For example, the cited portions of the above-cited references, individually or in combination, do not disclose or suggest transferring a subsequent provisioning request in a second transaction file to a target SMS, as in claim 8. For at least this additional reason, claim 8 is allowable.

The cited portions of Bober-1 and Bober-2, individually or in combination, do not disclose or suggest the specific combination of claim 11. For example, the cited portions of

Bober-1 and Bober-2 fail to disclose or suggest a network element to redirect each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 11. In contrast to claim 11, Bober-1 describes directing subsequent client requests to the target file server instead of the source file server during migration of a file system from a source file server to a target file server. *Bober-1,* col. 2, lines 44-51. The target file server responds to client read/write requests for access to the file system. The target file server is the entity in Bober-1 to which data is migrated. The target file server responds by accessing objects in the target file server when the target file server has online nodes for the objects, and by fetching objects from the source file server when the target file server has offline nodes for the objects. *Id.,* col. 3, lines 1-6. A target file server is not an SMS simulator. The Office has equated the target file server using offline nodes with an SMS simulator. *Final Office Action,* page 4 ("directing … to an SMS simulator (col. 2 lines 49-52 and lines 56-58, target server using offline nodes)"). Offline nodes represent file system objects which are either in the process of being migrated, or have not started migration. *Bober-1,* col. 7, lines 33-35. Thus, offline nodes represent data that has not yet been migrated. Offline nodes are not part of an SMS simulator. Thus, Bober-1 describes directing read/write requests to the target file server and not to an SMS simulator. In this manner, Bober-1 teaches away from claim 11. The cited portions of Bober-1 fail to disclose or suggest directing provisioning requests to an SMS simulator instead of to a target SMS. Therefore, the cited portions of Bober-1 fail to disclose or suggest a network element to redirect each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 11.

In further contrast to claim 11, Bober-2 describes a method and apparatus for provisioning at least a portion of a computer system to meet a specification provided in a provisioning request. Bober-2 further describes data migration from one storage system to another as a particular reason that it may be desirable to replicate an existing computer system configuration. However, the cited portions of Bober-2 fail to describe specific techniques or methods for migrating data from a source SMS to a target SMS. Specifically, the cited portions of Bober-2 fail to disclose or suggest using an SMS simulator to migrate data from a source SMS to a target SMS. Therefore, the cited portions of Bober-2 fail to disclose or suggest a network element to redirect each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 11.

Applicants have shown that the cited portions of Bober-1 and Bober-2, individually or in combination, fail to disclose or suggest at least one element of claim 11. Accordingly, claim 11 is allowable.

Claims 13-14, 17-18, and 23 depend from claim 11, which Applicants have shown to be allowable. Accordingly, claims 13-14, 17-18, and 23 are also allowable at least by virtue of their dependency from claim 11.

Claims 2, 5, 12, 15, 19, and 25 are Allowable

The Office has rejected claims 2, 5, 12, 15, 19, and 25 under 35 U.S.C. §103(a), as being unpatentable over Bober-1 and Bober-2 further in view of U.S. Patent Application Publication No. 2003/0069903 ("Gupta"). Applicants respectfully traverse the rejections.

Claims 2, 5, and 25 depend from claim 1. As explained above, the cited portions of Bober-1 and Bober-2 fail to disclose or suggest at least one element of claim 1. The cited portions of Gupta fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Bober-1 and Bober-2. For example, the cited portions of Gupta fail to disclose or suggest directing each of a plurality of provisioning requests to an SMS simulator instead of to a first SMS or to a second SMS, as in claim 1. In contrast to claim 1, Gupta describes logging at least one transaction that has occurred on source server 4. *Gupta,* paragraph 36. In this manner, Gupta teaches away from claim 1. The logged transactions in Gupta are not provisioning requests directed to an SMS simulator instead of to a first SMS. Therefore, the cited portions of Bober-1, Bober-2, and Gupta fail to disclose or suggest at least one element of claim 1, from which claims 2, 5, and 25 depend. Hence, claims 2, 5, and 25 are allowable.

Claims 12, 15, and 19 depend from claim 11. As explained above, the cited portions of Bober-1 and Bober-2 fail to disclose or suggest at least one element of claim 11. The cited portions of Gupta fail to disclose or suggest the elements of claim 11 not disclosed or suggested by the cited portions of Bober-1 and Bober-2. For example, the cited portions of Gupta fail to disclose or suggest a network element to redirect each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 11. In contrast to claim 11, Gupta describes logging at least one transaction that has occurred on source server 4. *Gupta,* paragraph 36. For the logged transaction to have occurred on a source server, the logged transaction must have been directed to the source server. In this manner, Gupta teaches away from claim 11. The logged transactions in Gupta are not provisioning requests directed to an

SMS simulator instead of to a source SMS. Therefore, the cited portions of Bober-1, Bober-2, and Gupta fail to disclose or suggest at least one element of claim 11, from which claims 12, 15, and 19 depend. Hence, claims 12, 15, and 19 are allowable.

Claims 6 and 16 are Allowable

The Office has rejected claims 6 and 16 under 35 U.S.C. §103(a), as being unpatentable over Bober-1 and Bober-2 further in view of U.S. Patent No. 6,937,993 ("Gabbita"). Applicants respectfully traverse the rejections.

Claim 6 depends from claim 1. As explained above, the cited portions of Bober-1 and Bober-2 fail to disclose or suggest at least one element of claim 1. The cited portions of Gabbita fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Bober-1 and Bober-2. For example, the cited portions of Gabbita fail to disclose or suggest directing each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 1. Instead, Gabbita describes a system and method for processing and tracking Service Orders for a telecommunications company. The cited portions of Gabbita fail to disclose or suggest methods for data migration. Specifically, the cited portions of Gabbita fail to disclose or suggest using an SMS simulator for data migration. The cited portions of Gabbita are cited for disclosing a billing system. Such disclosure does not disclose or suggest directing each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or a target SMS, as in claim 1. Therefore, the cited portions of Bober-1, Bober-2, and Gabbita fail to disclose or suggest at least one element of claim 1, from which claim 6 depends. Hence, claim 6 is allowable.

Claim 16 depends from claim 11. As explained above, the cited portions of Bober-1 and Bober-2 fail to disclose or suggest at least one element of claim 11. The cited portions of Gabbita fail to disclose or suggest the elements of claim 11 not disclosed or suggested by the cited portions of Bober-1 and Bober-2. For example, the cited portions of Gabbita fail to disclose or suggest a network element to redirect each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or a target SMS, as in claim 11. Instead, Gabbita describes a system and method for processing and tracking Service Orders for a telecommunications company. The cited portions of Gabbita fail to disclose or suggest using an SMS simulator for data migration. The cited portions of Gabbita fail to disclose or suggest methods for data migration. The cited portions of Gabbita are cited for disclosing a billing system. Such disclosure does not disclose or suggest a network element to redirect each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or a target SMS, as in claim 11. Therefore, the cited portions of Bober-1, Bober-2, and Gabbita fail to disclose or suggest at least one element of claim 11, from which claim 16 depends. Hence, claim 16 is allowable.

Claims 26 and 27 are Allowable

The Office has rejected claims 26 and 27 under 35 U.S.C. §103(a), as being unpatentable over Bober-1 and Bober-2 further in view of U.S. Patent Application Publication No. 2002/0165724 ("Blankesteijn"). Applicants respectfully traverse the rejections.

Claim 26 depends from claim 1. As explained above, the cited portions of Bober-1 and Bober-2 fail to disclose or suggest at least one element of claim 1. The cited portions of Blankesteijn fail to disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Bober-1 and Bober-2. For example, the cited portions of Blankesteijn fail to disclose or suggest directing each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 1. Instead, Blankesteijn describes a method and system for propagating changes to a data entry made by a data change source. *Blankesteijn,* paragraph 15. Blankesteijn further describes building data change objects specifying a first change on an identified data construct based upon the change to the database entry. Blankesteijn also describes combining data change objects to render a net change object. Thus, data change objects and net change objects are created in Blankesteijn after a change has been made to a data entry by a data change source. For the change to have been made to a data entry by a data change source, the request that initiates the change must have been directed to the data change source. Thus, the cited portions of Blankesteijn fail to disclose directing each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS, as in claim 1. The cited portions of Blankesteijn fail to disclose or suggest using an SMS simulator for data migration. The cited portions of Blankesteijn are cited for disclosing closing a first transaction file (file containing net changes) and opening a second transaction file (get file … file containing net changes) in response to an operator command (function). Such disclosure does not disclose or suggest directing each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 1. Therefore, the cited portions of Bober-1, Bober-

2, and Blankesteijn fail to disclose or suggest at least one element of claim 1, from which claim 26 depends. Hence, claim 26 is allowable.

Claim 27 depends from claim 11. As explained above, the cited portions of Bober-1 and Bober-2 fail to disclose or suggest at least one element of claim 11. The cited portions of Blankesteijn fail to disclose or suggest the elements of claim 11 not disclosed or suggested by the cited portions of Bober-1 and Bober-2. For example, the cited portions of Blankesteijn fail to disclose or suggest a network element to redirect each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 11. Instead, Blankesteijn describes a method and system for propagating changes to a data entry made by a data change source. *Blankesteijn,* paragraph 15. Blankesteijn further describes building data change objects specifying a first change on an identified data construct based upon the change to the database entry. Blankesteijn also describes combining data change objects to render a net change object. Thus, data change objects and net change objects are created in Blankesteijn after a change has been made to a data entry by a data change source. The cited portions of Blankesteijn fail to disclose directing each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS, as in claim 11. The cited portions of Blankesteijn fail to disclose or suggest using an SMS simulator for data migration. The cited portions of Blankesteijn are cited for disclosing closing a first transaction file (file containing net changes) and opening a second transaction file (get file … file containing net changes) in response to an operator command (function). Such disclosure does not disclose or suggest directing each of a plurality of provisioning requests to an SMS simulator instead of to a source SMS or to a target SMS, as in claim 11. Therefore, the cited portions of Bober-1, Bober-2, and Blankesteijn fail to disclose or suggest at least one element of claim 11, from which claim 27 depends. Hence, claim 27 is allowable.

Claims 28-32 are Allowable

The cited portions of Bober-1, Bober-2, Gupta, Gabbita, and Blankesteijn, individually or in combination, do not disclose the specific combination of claim 28. For example, the cited portions of Bober-1, Bober-2, Gupta, Gabbita, and Blankesteijn fail to disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator, as in claim 28. In contrast to claim 28, Bober-1 describes directing subsequent client requests to the target file server instead of the source file server during migration of a file system from a source file server to a target file server. *Bober-1,* col. 2, lines 44-51. The target file server responds to client read/write requests for access to the file system. The target file server is the entity in Bober-1 to which data is migrated. The target file server responds by accessing objects in the target file server when the target file server has online nodes for the objects, and by fetching objects from the source file server when the target file server has offline nodes for the objects. *Id.,* col. 3, lines 1-6. A target file server is not an SMS simulator. The Office has equated the target file server using offline nodes with an SMS simulator. *Final Office Action,* page 4 ("directing … to an SMS simulator (col. 2 lines 49-52 and lines 56-58, target server using offline nodes)"). Offline nodes represent file system objects which are either in the process of being migrated, or have not started migration. *Bober-1,* col. 7, lines 33-35. Thus, offline nodes represent data that has not yet been migrated. Offline nodes are not part of an SMS simulator. Thus, Bober-1 describes directing read/write requests to the target file server and not to an SMS simulator. In this manner, Bober-1 teaches away from claim 28. The cited portions of Bober-1 fail to disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator. Therefore, the cited portions of Bober-1 fail to disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator, as in claim 28.

The cited portions of Bober-2 fail to disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator, as in claim 28. Instead, Bober-2 describes a method and apparatus for provisioning at least a portion of a computer system to meet a specification provided in a provisioning request. Bober-2 further describes data migration from one storage system to another as a particular reason that it may be desirable to replicate an existing computer system configuration. However, the cited portions of Bober-2 fail to describe specific techniques or methods for migrating data from a source SMS to a target SMS. Specifically, the cited portions of Bober-2 fail to disclose or suggest using an SMS simulator to migrate data from a source SMS to a target SMS. Therefore, the cited portions of Bober-2 fail to disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator, as in claim 28.

The cited portions of Gupta fail to disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator, as in claim 28. In contrast to claim 28, Gupta describes logging at least one transaction that has occurred on source server 4. *Gupta,* paragraph 36. In this manner, Gupta teaches away from claim 28. The logged transactions in Gupta are not provisioning requests redirected from a target SMS to an SMS simulator. Therefore, the cited portions of Bober-1, Bober-2, and Gupta fail to disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator, as in claim 28.

The cited portions of Gabbita fail to disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator, as in claim 28. Instead, Gabbita describes a system and method for processing and tracking Service Orders for a telecommunications company. The cited portions of Gabbita fail to disclose or suggest methods for data migration. Specifically, the cited portions of Gabbita fail to disclose or suggest using an SMS simulator for data migration. The cited portions of Gabbita are cited for disclosing a billing system. Such disclosure does not disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator, as in claim 28.

The cited portions of Blankesteijn fail to disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator, as in claim 28. Instead, Blankesteijn describes a method and system for propagating changes to a data entry made by a data change source. *Blankesteijn,* paragraph 15. Blankesteijn further describes building data change objects specifying a first change on an identified data construct based upon the change to the database entry. Blankesteijn also describes combining data change objects to render a net change object. Thus, data change objects and net change objects are created in Blankesteijn after a change has been made to a data entry by a data change source. The cited portions of Blankesteijn fail to disclose redirecting provisioning requests from a target SMS to an SMS simulator. The cited portions of Blankesteijn fail to disclose or suggest using an SMS simulator for data migration. The cited portions of Blankesteijn are cited for disclosing closing a first transaction file (file containing net changes) and opening a second transaction file (get file … file containing net changes) in response to an operator command (function). Such disclosure does not disclose or suggest redirecting provisioning requests from a target SMS to an SMS simulator, as in claim 28.

Applicants have shown that the cited portions of Bober-1, Bober-2, Gupta, Gabbita, and Blankesteijn fail to disclose or suggest at least one element of claim 28. Accordingly, claim 28 is allowable.

Claims 29-32 depend from claim 28, which Applicants have shown to be allowable. Accordingly, claims 29-32 are also allowable at least by virtue of their dependency from claim 28.

Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited references. For example, the cited portions of the above-cited references, individually or in combination, do not disclose or suggest redirected provisioning requests buffered in a transaction file, where replaying the buffered provisioning requests includes closing the transaction file, opening a new transaction file for buffering the redirected provisioning requests, and replaying the buffered provisioning requests in the closed transaction file to the target SMS, as in claim 31. For at least this additional reason, claim 31 is allowable.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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